

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

JESSIE HEARNS and GWENDOLYN )  
HEARNS, )

Plaintiffs, )

VS. )

TRAVELERS PERSONAL SECURITY )  
INSURANCE COMPANY, )

Defendant. )

No. \_\_\_\_\_

---

**NOTICE OF REMOVAL**

---

Defendant Travelers Personal Security Insurance Company ("Travelers"), hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Circuit Court of Shelby County, Tennessee and Plaintiffs, Jessle Hearn and Gwendolyn Hearn, that the action described herein and filed in the Chancery Court of Shelby County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On March 15, 2013, Plaintiffs, Jessle Hearn and Gwendolyn Hearn, filed a civil action bearing Docket No. CT-001168-13, Division III, against the Defendant, Travelers, in the Circuit Court of Shelby County, Tennessee. Service of the complaint and summons was made upon CT Corporation, the designated statutory agent of the Defendant, on March 28, 2013, by certified mail through the Department of Insurance of the State of Tennessee postmarked on March 22, 2013.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant Travelers and insuring Plaintiffs' real property and contents in Shelby County, Tennessee which was allegedly destroyed or lost by burglaries and/or thefts occurring on or about September 6, 2010 and October 7, 2010. Plaintiffs also make claims of statutory bad faith and violation of the Tennessee Consumer Protection Act.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332. Specifically, the complaint demands damages in the amount of \$250,000.00, plus a 25% penalty for bad faith plus punitive damages against defendants in an amount not less than \$500,000.00.

4. Plaintiff, Jessle Hearn, is a resident and citizen of the State of Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Plaintiff, Gwendolyn Hearn, is a resident and citizen of the State of Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant Travelers is a corporation incorporated in Connecticut, with its principal place of business in Connecticut. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served

upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number CT-001168-13 is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

**s/ Russell E. Reviere**  
Russell E. Reviere (BPR No. 07166)  
Attorney for Defendant  
209 East Main Street  
P. O. Box 1147  
Jackson, TN 38302-1147  
(731) 423-2414  
[reviere@raineykizer.com](mailto:reviere@raineykizer.com)

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to Kenneth D. McLean, P.O. Box 38161, Germantown, TN 38161, counselor of record for Plaintiffs, and by electronic means via the Court's electronic filing system.

This the 8th day of April, 2013.

**s/ Russell E. Reviere**